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## THE ESSENCE OF DEMOCRACY

WILHELM HASBACH

Mr. W. J. Shepard, in a review of my work, *Die moderne Demokratie*,<sup>1</sup> remarks that I have forgotten its spirit in the study of its forms. "It is not the vitalizing spirit," he writes, "the impelling motive force, the broadly based popular sentiment of democracy that is of interest, but only the forms and mechanism . . . of democratic-republican states." Now I have in the fifth chapter of the second book presented the theory of political democracy, in the sixth that of social democracy, and in the seventh that of democratic socialism; and in the first of these three chapters I have discussed popular sovereignty and active citizenship, the supremacy of the majority in a democracy, the unlimited constituent power of the people (*pouvoir constituant*), in which European science has conceived the essence of this form of the state to reside in contradistinction to other forms. But Mr. Shepard has a different conception of its nature. He has raised an interesting question in this connection which I should like to discuss in the following pages.

Brief though his statement on this point is, no one can doubt that he considers the supremacy of public opinion as the essence of democracy, since he writes: "No discussion of the nature, elements and effects of public opinion, no appreciation of the spirit of democracy is to be found in the covers of this volume." As a matter of fact I have treated of this subject in the above-mentioned first division of the fifth chapter, which is devoted to the discussion of popular sovereignty, though certainly in the brief compass which appeared to me sufficient for the understanding of the nature of democracy. Why have I not ascribed the same significance to it as does Mr. Shepard? Because public opinion rules in every modern form of the state; not only in

<sup>1</sup> In the *American Political Science Review*, November 1913.

democracy, but also in parliamentary and even in constitutional monarchy. The rights of man exist likewise in constitutional monarchy; freedom of association and the press are here also established; here also thousands of newspapers and associates seek to realize their ideals and desires, and if necessary to influence parliament. Nothing could be more mistaken than to assume that government here could premanently be conducted against public opinion. To be sure Bismark succeeded in this for several years, but under quite peculiar circumstances, and when he had attained his patriotic goal he sought indemnity. But that such discord may occur also in a democracy is proved by the conflict between Lincoln's successor and congress, or that between MacMahon and the French chamber.

If we accept the supremacy of public opinion as the essential characteristic of democracy, it is quite impossible to distinguish the forms of the modern state; all differentiation of definition is annulled. Everything is fused into a vague conception of "democracy." It would be exactly like calling the circulation of the blood the essential characteristic of the species Man.

But since science presupposes the ability to differentiate by clear cut and sharply circumscribed definitions, we must go a step farther. For this purpose I repeat briefly what I have said about public opinion in the above-mentioned citation. I distinguish between a spontaneous and an artificially constructed public opinion. In every case, I have there stated, there is an original public opinion on definite questions (in which I of course premise European continental conditions), e.g., that the reduction of military service would be an advantage, that certain communal taxes should be abolished. But concerning the questions: gold standard or double standard; continuation of canal construction with the extension of the railway system—concerning these, an opinion would have first to be formed in the leading circles which then through agitation would be propagated among the masses. Moreover since there are generally several opposing opinions upon current questions, of which only one can be dominant in parliament, it is not public opinion pure and simple which rules, but the stronger (artificially formed) public opinion, which however as

a matter of fact might be in a minority among the electors; while that public opinion which is the weaker in parliament, but perhaps stronger among the voters, is for long periods suppressed.

With the distinction between a spontaneous public opinion and a public opinion disseminated by agitation, the question presents itself: Who forms public opinion? In democracy and parliamentary monarchy it is created exclusively by parties; in constitutional monarchy, on the other hand, by parties and the government. For a full understanding of this important difference we first must clearly distinguish between parliamentary and constitutional monarchy. In parliamentary monarchy the influence of the monarch is as a matter of fact so far suppressed that here too the stronger party opinion determines the destiny of the country, while in the constitutional monarchy the prince as joint possessor of the legislative power, and as the possessor of the executive, exercises a considerable influence upon the formation of public opinion. The ministers nominated by him introduce bills into parliament; they defend them against the criticism of representatives whom they are compelled to face; the prince addresses messages to parliament; he can dissolve it and thereby take a position on definite question; official newspapers defend the attitude of the government; party organs which approve the policy of the government support it or open their columns to it; the government seeks to influence representatives, etc. These are methods some of which are also understood in America: in America the President addresses messages to congress; presidents and governors attempt to influence the legislative power; there are also newspapers which support President and governors against the legislative assemblies if they consider the former's policies advantageous.

This discussion suggests why I have considered the fly-wheel of democracy and of parliamentary monarchy to be not public opinion but the domination of party; why I have devoted to this subject the entire third book of my treatise. But how distinguish democracy from parliamentary monarchy?

If we consider the frequent disregard of the people's wishes by their representatives since the days of the Long Parliament,

the relentless efforts of these representatives to emancipate themselves from their constituents; if we think of the numerous measures which have been taken in both the United States and in Switzerland to subject the representatives to the will of the people, it must be clear that parliamentary government and democracy are not simply identical. Democracy exists only where, as in some of the cantons of Switzerland, the people determine directly their own destiny, or where through direct primaries, the referendum, the initiative and the recall they are able to enforce their will upon their representatives. It follows that parliamentary government is that form of the state in which party exerts its will through representatives of the people; democracy is that form in which this is done through the people themselves.

This proves sufficiently that the essential characteristic of a form of the state can express itself only in definite institutions and forms. These are, therefore, not merely important objects of study; they are indeed to be described as "natural," since they are, so to speak, the outer form which the spirit of different types of the state has created for itself without which it could have no existence. But Mr. Shepard calls the form "artificial." "Natural" he apparently considers the expressions of public opinion. Does he really believe that the public opinion expressing itself at elections to the effect that the silver standard alone will guarantee the public welfare is a natural fact? Let us draw some conclusions from this. The parliamentary democracy, as it exists in France, is from the standpoint of definition a contradiction in itself. Representative democracy as we have it in the American Union and in most of the member States cannot be considered pure democracy. It is closely related in its character to constitutional monarchy because Montesquieu is the common ancestor of both. But since the fathers of American representative democracy had to realize their ideal under different conditions, the idea of Montesquieu has taken a form in the United States different from that which it has taken in Germany. Hamilton, Madison and their associates sought to infuse this idea into a state whose fundamental principle was that the will

of the people should be realized through representatives; party they viewed with doubt. Hence all the barriers of the separation of powers, which they had set up against the omnipotent will of the people, gradually break down; it is sufficient to recall the arrangements concerning the election of the President and of the senators and the progress of direct democracy in the individual States. In constitutional monarchy, on the other hand, such barriers could be maintained. In the second place, the separation of powers was realized in a far more absolute fashion than was possible in the old monarchies. The monarch preserved much greater power because he was not elected, although he was compelled to share the legislative power with parliament. It was impossible that the legislative power should become as independent as in America; parliament and ministers must coöperate and, mutually controlling each other before the people, satisfy popular demands. In the third place, the bureaucracy was maintained which was appointed on the basis of prescribed qualifications and was not arbitrarily removable. It was indeed with this bureaucracy that the European monarchs had developed, if not created, the culture of their countries.

It is interesting to perceive that, while on the one hand the idea of pure democracy has more and more asserted itself successfully in America, on the other hand several features of constitutional monarchy appear desirable to many citizens; such features are the greater power of Presidents and governors; an efficient civil service, independent of parties and appointed on the basis of prescribed qualifications; the appearance of ministers in the legislative body and the reciprocal control of government and representatives, "to set up one tyrant against another," as a Leveller in the seventeenth century expressed it (compare the Oregon plan of government).

If now we glance back upon this short discussion, we see that the supremacy of public opinion cannot be accepted as the essence of democracy. Since it rules in all modern states the important question is: How it is formed? On the other hand the conception of the stronger opinion enables us to distinguish constitutional monarchy from democracy and from parliamentary

monarchy—in the constitutional monarchy the party opinion rules as if it were dampened. Democracy and parliamentary monarchy are distinguished by the organs through which the stronger party opinion is realized,—in the latter by the representatives of the people; in the former by the people themselves or by their representatives under the supervision of the people. Thus the classification of the forms of the state, created by the Greeks, remains true. Today there is still a monarchy, but a modern monarchy, the constitutional monarchy. Today there is still an aristocracy, but a modern one, that of parliamentary government. As in classical antiquity, there are real effective monarchies, which modern aristocratic and oligarchical elements are at work to overthrow. And today there is an old as well as a new democracy which maintains the appearance of parliamentary government while denying it all effective power, just as oligarchical and aristocratic elements aim to subdue monarchy while allowing it the appearance of power in parliamentary monarchy.

Forms are not only expressions of the spirit; they react also upon the spirit that dominates different forms, as I shall prove in the case of constitutional monarchy.

In constitutional monarchy the party leaders are not the government; that is the reason why all parties stand continually opposed to it. There is ample opportunity for giving vent to this distrust because the government has to defend its measures in parliament. There is no form of government in which financial administration is so painfully scrutinized; there is no other form where delinquencies of officials are so pilloried. Since through this watchfulness the interests of the citizens are protected, the unpolitical instinct of the citizen, which you find in all state forms, and which is in itself completely justifiable, grows; governments are indeed created so that the citizen may, undisturbed, devote himself to his business. A further result is the high value set upon the professional bureaucracy; ministers issue from the highest social strata. The highest social classes prefer above all things to have their children enter the bureaucracy which attains the highest posts of honor. Honor, according to

Montesquieu, is the principle of monarchy. Thus is a standard of measurement created which is valid for all classes. Those who do not belong to the bureaucracy at least seek titles and orders which express an affiliation with it. Neither membership in parliament nor wealth as in democracy is able completely to satisfy ambition, not even nobility. Read the Memoirs of the Duke of Saint Simon—how he execrates the social claims of bureaucracy, and especially the war minister, Louvois. Traces of this spirit are to be observed even in the Freiherr vom Stein and in Bismarck, although the nobility had played a leading rôle in the formation of the bureaucracy.

Do I need to explain explicitly to a judge of human nature how many enemies such a form of the state will create for itself? Such are the party leaders who find the way blocked to the highest posts of honor, parties endeavoring to dominate the state and to exploit it for themselves, interests which seek satisfaction through parties, and those wealthy people whose sons have not found places in the bureaucracy and who have not found social distinction by means of titles and orders. The extreme parties, moreover, attempt to prove again and again that the government is incapable and corrupt, at least reactionary, even when in many directions it may have assumed the lead and set a standard.